

## CHECKLIST ENVIRONMENTAL ASSESSMENT

**COMPANY NAME:** Western Energy Company

**Project:** Area E

**OPERATING PERMIT #:** 81003E

**LOCATION:** Northeast corner Area E (legal listed below)

**County:** Rosebud

**PROPERTY OWNERSHIP:** ☐ Federal ☐ State ☒ Private

**TYPE AND PURPOSE OF ACTION:**

Under Application 00177, Western Energy Company has proposed changing the post-mine land use for 4.3 acres from grazing land to an alternative post-mine land use of industrial/commercial. Of the acreage in question, 2.5 acres is a permanent pond, which would function as a wildlife habitat enhancement area; the remaining acreage is split among three small parcels. The entire 4.3 acres is directly adjacent to a haul road which was previously approved for industrial/commercial post-mining land use (approved August 7, 1990). This action is primarily an administrative change in the land use designation because the parcels cannot logically be included in a bond release application encompassing a larger portion of the grazing land in Area E. The lands are located in Sections 1 and 2, T1N, R41E and Section 35, T2N, R41E.

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[N] Soils were disturbed in association with pre-law mining or with the construction of the haul road. During mining, soils were not salvaged for replacement; consequently spoil material is the surface growth substrate. Since the soils were disturbed by earlier mining activities, additional disturbance resulting from construction of the haul road would have resulted in no soil salvage. Vegetation has populated the spoil material naturally. The spoiled material is essentially a parent material that will develop into a soil through time at a rate dependent on weather, biota, and topography.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	<p>[N] <u>Groundwater</u> – The change of the post-mine land use for 4.3 acres adjacent to the east side of the Ash Haul Road from grazing land to industrial/commercial would cause no change in the anticipated groundwater impacts expected at Area E of the Rosebud Mine. The Cumulative Hydrologic Impact Assessment (CHIA) for the Rosebud Mine was completed in October, 2001 (Area D East Amendment CHIA, 2001) and addressed the anticipated changes to groundwater associated with mining in Area E and other areas of the mine.</p> <p>[N] <u>Surface Water</u> – The proposed Alternate Reclamation plan in Western Energy Area E would change the designated postmine land use of 4.3 acres of prelaw mining disturbance/reclamation alongside the PPL Ash Haulroad from Rangeland to:</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
	<ul style="list-style-type: none"> <li>• Industrial [1.8 acres in Fields E04207, E90401 (north end); and Fields E04204, E04203, and part of E03203 (south end)]; and</li> <li>• Industrial Wildlife Enhancement Feature (0.3 acre Pond PO-05A and surrounding 2.2 acre Field E04205).</li> </ul> <p>The proposed postmine land use would not affect the anticipated hydrologic impacts to surface water resources within and adjacent to the area, and the Cow Creek drainage downstream. Pond PO-05A holds some water seasonally with possible groundwater influence. Water quality should be similar to previous expectations for postmine water quality with no changes expected for stock or wildlife use. Related details are addressed in previous Cumulative Hydrologic Impact Analyses (CHIA's) addressing Western Energy's Rosebud mine and Area E; see the October, 2001 (Area D-East) and August, 1990 (Area E) Written Findings.</p>
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] The 4.3 acres of land would not be further disturbed. The areas included in the application are either vegetated to the extent necessary to prevent accelerated erosion or are part of a permanent pond (Pond PO-05A). No additional pollutants will result from this land use classification change.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] The existing vegetation, that has naturally populated the area, would not be affected by this proposed change in land use classification.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] The area would continue to provide wildlife habitat similar to the adjacent area. Wetland dependent species currently use Pond PO-05A, and would continue to do so.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N] No federally listed plant or animal species have been identified in or adjacent to the proposed affected area. The wetland area associated with Pond PO-05A is non-jurisdictional, as there is no significant surface or subsurface connection to any known water of the U.S.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] The area was disturbed by pre-law mining; therefore, such sites have been previously disturbed.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[N] The project area is not on a prominent topographic feature. The site is not visible from any populated or scenic area. The noise level is expected to be approximately what is currently experienced with the ongoing mining and power plant operations.
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	[N]
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] Continued haulage of ash from the power plants would result in long-term deposition of dust on the affected lands; however, this would be at or less than the current level at which the vegetation and wildlife use of the area has established.

IMPACTS ON THE HUMAN POPULATION	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] The proposed re-classification does not alter the effective land use of the area. Vegetation, roads, and other aspects would not change. The proposal merely alters the land use classification.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] The proposal would create no new jobs.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] The proposed project should not create or eliminate any tax revenues. It is expected that the mine would sustain production at current levels and not change the state or local tax base resulting from mine production.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.)	[N] Traffic is not expected to increase and demands on local and state services are projected to remain the same.

<b>IMPACTS ON THE HUMAN POPULATION</b>	
be needed?	
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] The proposed mine area is not located in or adjacent to any wilderness or recreational areas. Recreation potential within the site is limited to hunting by permission and occasional wildlife viewing.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N] The project is not expected to significantly affect local populations. Neither population increase nor residential decrease would be incurred by approving the project.
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] The proposed minor change in land use is consistent with the industrial nature of the existing ash haul road of which it would be a part. Thus there would be no effect on social structures or mores.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N] The proposed minor change in land use is consistent with the industrial nature of the existing ash haul road of which it would be a part. Thus there would be no effect on cultural uniqueness and diversity.
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[Y]
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated private property? If	[N]

IMPACTS ON THE HUMAN POPULATION	
not, no further analysis is required.	
23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.	[Y] The agency has discretion based on state laws and regulations whether or not to accept the application for alternative land use. In this case, the landowner has agreed with the change to simplify administrative procedures and to acknowledge the existing management. Because of the proximity of these 4 parcels to the road and their small size, they are effectively within the road way management zone. Accepting the change in land use designation results in minimum restriction on the private property.
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. ALTERNATIVES CONSIDERED:

NO ACTION: The proposed mine area within Application 177 would remain classified as grazing land and would have to meet the bond release criteria for that land use.

APPROVAL: The 4.3 acres of affected lands would be reclassified as industrial/commercial. The bond release criteria outlined in Application 00177 would become the new standards and would have to be met for any bond release application to be approved.

26. PUBLIC INVOLVEMENT: Availability of this Environmental Assessment will be published in the *The Independent Press*, P.O. Box 106 Forsyth, MT 59327. The EA will also be available on the DEQ Internet site (<http://www.deq.mt.gov/ea/coal.asp>). Copies of the application are available for public review at the Rosebud Mine office in Colstrip, office of the Rosebud County Clerk and Recorder in Forsyth, and at the DEQ offices in Helena and Billings.

27. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION: U.S. Bureau of Land Management (coal lease), Montana Department of Environmental Quality's Water Protection Bureau and Air Resources Management Bureau, Montana Department of Natural Resources and Conservation.

28. MAGNITUDE AND SIGNIFICANCE OF POTENTIAL IMPACTS: Due to the small size of the proposed affected area (4.3 acres), combined with the fact that it has naturally revegetated, potential impacts are considered to be minimal.

29. CUMULATIVE EFFECTS: No other new activities have been identified in the area.

**Recommendation for Further Environmental Analyses:**

☐ EIS    ☐ More Detailed EA    ☒ No Further Analyses

**EA Checklist Compiled By:**

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**Approved By:**

Chris Yde

A handwritten signature in black ink, appearing to read 'Chris Yde', written over a horizontal line.

May 29, 2008

Signature

Date